

**EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of  
the Estate of RONALD TYRONE  
ROBY, Deceased,

Plaintiff,

v.

BENTON EXPRESS, INC., et al,

Defendants.

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CIVIL ACTION NO.: 2:05CV194-T

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NOTICE OF VIDEOTAPED DEPOSITION

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TO: All Attorneys of Record

Please take notice that the undersigned will take the deposition upon oral examination and video the person named below at the time and place designated before a court reporter or some other person authorized by law to administer oaths:

DEPONENT: M.P. Stirling

DATE: December 13, 2005

TIME: 9:00 A.M.

PLACE: The Law Offices of BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
Montgomery, AL 36103-4160

Pursuant to Rule 30(b)(5), it is requested that the deponent produce at that time and place the following documents:

1. A current curriculum vitae and bibliography;
2. Her complete file in this case, including but not limited to: any and all documents, files, notes, memoranda, test results, opinions, facsimiles, emails, summaries, charts, photographs, videos, calculations, working papers, correspondence and/or any drafts of any documents which in any way concern this case and/or Ms. Stirling's opinions;

3. Any and all documents, books, articles, publications, standards, and regulations that she has reviewed in connection with this case;
4. Any and all documents, books, articles, publications, standards, and regulations upon which she relied in forming his opinions and conclusions about which she may testify at the trial of this case;
5. Any and all documents, correspondence, literature, witness statements, memoranda and/or any other information provided to her by Plaintiff's attorney, LaBarron Boone, and/or by any other attorney, agent, and/or employee of BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. and/or on behalf of Plaintiff in connection with this case;
6. Any and all documents, correspondence, reports, opinions, summaries, witness statements, literature, memoranda and/or any other information provided by her to BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. and/or on behalf of Plaintiff in connection with this case;
7. Any report and other compilations of information which she has prepared concerning this case, whether written, taped, stored on computer disk or memorialized in any other medium;
8. An itemization of what she charges hourly for her expert services including but not limited to: travel time, reviewing of file, deposition testimony, trial testimony;
9. Any and all documents which reflect the amount of money she has already received, including deposits, and/or pending bills and/or invoices for services rendered by her regarding this case;
10. Any and all documents, books, articles, publications, standards, and regulations of which she is aware that do not support, or any such documents that contradict her opinions, conclusions and/or calculations regarding this case;
11. Any and all documents, books, articles, publications, standards, and regulations of which she is aware that support, or any such documents that agree with her opinions, conclusions and/or calculations regarding this case;
12. A list of all civil cases in which she has testified by deposition or at trial for the previous seven years, including the name of the case, the jurisdiction of the case, the case number, and the identity of the attorney who retained her and whether she testified on behalf of the plaintiff or defendant.



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Brett A. Ross (ASB-6771-O76B)

Gregory A. Brockwell (ASB-9949-R49B)

Attorneys for Defendant Benton Express, Inc.

OF COUNSEL:

CARR ALLISON  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 822-2006  
(205) 822-4058 (Direct Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing upon the following counsel of record by placing same in U.S. mail, addressed as follows and postage prepaid, on this the 11<sup>th</sup> day of November, 2005:

Jere L. Beasley  
LaBarron N. Boone  
Julia A. Beasley  
BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
P.O. Box 4160  
Montgomery, AL 36103-4160



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Of Counsel

cc: Freedom Court Reporting (Gregory A. Brockwell/Stephanie Hall)